

Section 8 starts on page 9, the bottom of page 9, there are a couple of procedures. The Section 6 procedure basically gives the public counsel the right to determine whether there has been a violation of an employees rights with regard to employer retribution in the event that the employee blows the whistle. It says that if the public counsel finds that there is reason to believe that the employer has retaliated then there is a hearing on the matter. The personnel board has a right to hold a hearing on that matter. It has the right to hold up all other hearings, personnel actions on the matter. Then you get to this section that I want to cut out with the amendment. This section says that in any proceeding held pursuant to this section, if an employee establishes that a personnel action was taken against him or her after he or she submitted an allegation of wrongdoing, et cetera, et cetera, the personnel action shall be presumed to have been taken against the employee because of the submission of the allegation of wrongdoing. In other words, it puts the burden of proof on the employer...on the state to prove that the reason that they are taking action against the employee was not because he blew the whistle. I am suggesting that that be eliminated, and that it ought to be a more level playing field, that the employee ought to have the burden of proving that it was because he blew the whistle. Then in Section 8, as I say, extensive rights are given to the employee. If he doesn't like the decision of the personnel board, with regard to the particular question of wrongdoing, he can then file an action with the court system, a completely separate action. He can go through the court system and the courts can be asked to determine the question of the reason for the employer's retribution. In that section also, subsection 2 on page 10, lines 8 through 18, it says once again that the presumption shall be, for the court, that the reason for the action was because he blew the whistle as opposed to a multitude of other reasons that are possible. So I'm suggesting that subsection 2, on page 10, also be eliminated. Both of those really constitute, however, parts of the same question. The reason that I think that what I'm suggesting is a more appropriate philosophic attitude for us to take is because of some of the practicalities of the situation, I guess, basically. Let's say that you have a whole number of reasons why every year employees are fired, or asked to resign, or leave. It is going to be that in a body of 26,000 employees there are always going to be a whole number of employees that are